



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of March Two Thousand Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

AS. No.46 of 2014

1 P.SHANTHA BABY
2 C.ILAYA PERUMAL
3 S.SUNDAR RAJ ... Appellants / 1st the 3rd Defendants

.Vs.

1 JANAKI LAKSHMI ... Respondent / Plaintiff
2 V.VASANTHA
3. V.ASHA
4. V.PREMILA
5. V.VINOTH SELVAM ... 2nd to 5th Respondents / 4th to 7th Defendants

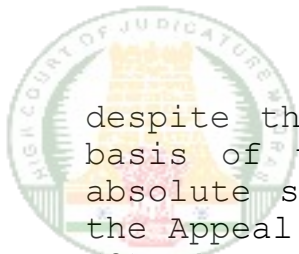
Prayer:-

Appeal Suit filed under Section 96 of the C.P.C., against the judgment and decree passed in O.S. No.71 of 2012 dated 27.09.2013 on the file of the III Additional District and Sessions Court, Tirunelveli.

DECREE:-

This Appeal Suit coming on for hearing on Monday the Thirteenth day of March Two thousand and twenty three, upon perusing the grounds of Appeal, the judgment and decree of the Lower Court of First Instance and the material papers in the Suit and upon hearing the arguments of Mr.A.Arumugam, Advocate M/s.Ajmal Associates, for the Appellants and of Mr.S.P.Maharajan, Advocate for second to fifth respondents, and first respondent not appeared either in person or by an Advocate, and this Court doth order and decree as follows:-

(1) That the Judgment and Decree passed by the III Additional District and Sessions Court, Tirunelveli in O.S. No.71 of 2012 granting preliminary decree in favour of the defendants 4 to 7



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despite the fact that their shares have already been sold on the basis of the agreement for sale dated 14.07.2010 followed by an absolute sale deed dated 14.11.2011 be and is hereby set aside and the Appeal suit is partly allowed.

(2) That the preliminary decree is passed declaring the right of $\frac{3}{4}$ share in the suit property in favour of the defendants 1 to 3 and the plaintiff be and is hereby entitled to $\frac{1}{4}$ share in the suit properties.

(3) That there shall be no order as costs in this Appeal Suit.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

ENCL: COPY OF SCHEDULE OF PROPERTY

To

The III Additional District and Sessions Judge,
Tirunelveli.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.Ajmal Associates, Advocate Firm (SR-14879 dated 14/03/2023)

+1 CC to M/s.S.P.Maharajan, Advocate (SR-15019 dated 14/03/2023)

ORDER DATED : 13/03/2023

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D E C R E E

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AS(MD). No.46 of 2014

Nature of Decree:- Partly Allowing the Appeal Suit preferred against the judgment and decree of the III Additional District and Sessions Court, Tirunelveli, in O.S. No.71 of 2012 dated 27.09.2013 and etc., as stated therein